

REMARKS

Currently, claims 16-30 are pending in this application. Claims 19-22 have been amended herein.

Applicants would like to thank Examiner Chin for the courtesies that he extended to Applicants' representative during a brief telephone interview in July. As with the interview in May discussed in the previous response, Applicants again discussed the outstanding rejection of claims 16-30 and the type of evidence that the Examiner would like to see in support of the patentability of the present claims.

The Examiner continues to reject claims 16-30 under the doctrine of obviousness-type double patenting over claims 1-8 of U.S. Patent No. 6,419,789. Claims 16-30 also stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,318,669 to *Dasgupta* in view of U.S. Patent No. 5,397,435 to *Ostendorf et al.* or U.S. Patent No. 5,437,766 to *Van Phan et al.* The Examiner has also added a rejection based upon indefiniteness under 35 U.S.C. § 112, second paragraph. Applicants respectfully traverse these rejections.

I. 112, Second Paragraph Rejection

Claims 19-21 have been rejected as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner objected to the preamble of claims 19-21 as describing a process when the independent claim was directed to a product by process. In view of the amendment of claims 19-22, applicants respectfully request withdrawal of this ground of rejection.

II. Obviousness-Type Double Patenting Rejection

All claims continue to stand rejected under the doctrine of obviousness-type double patenting over claims 1-8 of U.S. Patent No. 6,419,789. Applicants again respectfully request that this rejection be held in abeyance until allowable subject matter is indicated.

III. The Claims Are Not Obvious Over the Cited Prior Art

The Examiner rejected claims 16-30 under 35 U.S.C. § 103(a) as obvious over *Dasgupta* in view of *Ostendorf et al.* or *Van Phan et al.* The Examiner claims that *Dasgupta* discloses tissue and paper towels which contain the claimed cationic wet strength agent and anionic dry strength agent in a ratio of 1/20 to 10/1 at a concentration of 0.1 to 2% by weight. The claimed strength, stiffness, and stretch characteristics are said to be "obvious optimizations" in view of the teachings of *Ostendorf et al.* or *Van Phan et al.* The Examiner also states that "[w]hether or not the [amount of] cationic wet strength agent and anionic dry strength agent [added] to the pulp [is controlled] during the process of making the paper is moot because the amount of these agents in the final paper product is the same." This rejection is respectfully traversed.

Applicants reiterate their position that the Examiner has failed to establish a *prima facie* case of obviousness. The Examiner has not set forth any teaching from the prior art which shows the claimed ranges for machine direction stretch, cross-direction wet strength, or tensile modulus of stiffness which are achieved by the present

invention. Thus, the Examiner's conclusion that the cited references disclose final products with the same strength, softness and absorbency characteristics displayed by the present invention is unsupported. Moreover, the Examiner's assertion that such characteristics may be achieved by mere optimization of the amount of wet strength agent, softening agents, or foreshortening of the web as disclosed in *Ostendorf et al.* or *Van Phan et al.* is erroneous because these references do not teach compositions which possess the characteristics of the claimed products, nor would it have been obvious to one of skill in the art to obtain these characteristics.

Applicants submit that obtaining products with the same superior strength, softness, and absorbency as the products of the present invention is not merely "obvious optimization" of the prior art processes. Applicants again respectfully direct the Examiner's attention to the Examples of the present specification, and specifically Figures 1-9 which show the claimed products' superior characteristics over those of the prior art.

Applicants continue to dispute that the prior art discloses products containing the same amount of cationic and anionic strength agents as that claimed. Specifically, all pending claims recite that the cationic wet strength agent is present in an amount of from 15 to 30 lbs/ton, and further that the ratio of cationic and anionic strength agents is controlled to achieve a net charge within a certain range. None of the cited references disclose an amount of cationic wet strength agent within the claimed range, nor do any of the references disclose that the ratio of the cationic to anionic strength agent is controlled to achieve close to a net charge balance. For example, *Dasgupta* teaches broadly that the ratio of anionic to cationic additives may range from 1/20 to 10/1, but

the reference nowhere suggests a selection of the ratio based upon the net charge of the papermaking furnish.

Nor is the fact that, in the present invention, the ratio of anionic to cationic strength agents is controlled to achieve a net charge within a specific range "mere optimization." By controlling the ratio of cationic wet strength agent and anionic strength agent such that the net charge is zero or slightly anionic, the resulting web has excellent softness, absorbency, and strength. Without wishing to be bound by theory, applicants believe that the control on the headbox results in greater retention of the chemicals added to the slurry thereby resulting in an improved paper product. The Examiner has not set forth any teaching from the prior art which shows the claimed ranges for machine direction stretch, cross-direction wet strength, or tensile modulus of stiffness which are achieved by the present invention.

The cited references simply do not disclose a web with the superior characteristics achieved by the present invention, in which the amount of cationic wet strength agent and anionic strength agent is controlled so that the net charge of the web when formed from an aqueous stream is maintained in the range of from less than about zero to about $-115 \text{ meq} \times 10^{-6}$ per 10 ml. The Examiner therefore has failed to show that the cited prior art references, alone or in combination, teach or suggest each and every element of the claimed invention, as required to establish a *prima facie* case of obviousness. Accordingly, claims 16 to 30 are in immediate condition for allowance.

In view of the foregoing remarks, Applicants respectfully request the reconsideration and further examination of this application and the timely allowance of

the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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